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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-754*

11 **WILLIAM DAVID DIMENT**

12 100 S. New Street, Apt. 501  
13 Staunton, VA 24401

**A C C U S A T I O N**

14 Registered Nurse License No. 718481

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about January 23, 2008, the Board of Registered Nursing issued Registered  
23 Nurse License Number 718481 to William David Diment ("Respondent"). The Registered Nurse  
24 License expired on March 31, 2009, and has not been renewed.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

1        4.     Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
3 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4        5.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
5 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
6 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code  
7 provides, in pertinent part, that the Board may renew an expired license at any time within eight  
8 years after the expiration.

9        6.     Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
10 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
11 disciplinary action during the period within which the license may be renewed, restored, reissued  
12 or reinstated.

13       7.     Section 2761 of the Code states, in pertinent part:

14                “The board may take disciplinary action against a certified or licensed  
15 nurse or deny an application for a certificate or license for any of the following:

16                (a) Unprofessional conduct, which includes, but is not limited to, the  
17 following:

18                ...

19                (4) Denial of licensure, revocation, suspension, restriction, or any other  
20 disciplinary action against a health care professional license or certificate by another  
21 state or territory of the United States, by any other government agency, or by another  
22 California health care professional licensing board. A certified copy of the decision  
23 or judgment shall be conclusive evidence of that action.

24                ...

25                (d) Violating or attempting to violate, directly or indirectly, or assisting in  
26 or abetting the violating of, or conspiring to violate any provision or term of this  
27 chapter or regulations adopted pursuant to it.”

#### 28                                **COST RECOVERY**

      8.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case, with failure of the licensee to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Virginia Board of Nursing)**

5 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of  
6 the Code in that on or about August 20, 2009, the Virginia Board of Nursing ("Virginia Board")  
7 made findings of fact, conclusions of law and issued an order reprimanding Respondent's license  
8 to practice professional nursing in that state. The circumstances underlying the disciplinary  
9 action by the Virginia Board are that by his own admission in December 2005, during the course  
10 of Respondent's employment with the Commonwealth Center for Children and Adolescents in  
11 Staunton, Virginia. Respondent copied 81 pages of multiple patient health records, including  
12 names, ages, and other identifying information. In 2007, he distributed the patient health records  
13 to several agencies and newspapers, including the Secretary of the Virginia Department of Health  
14 and Human Resources, the Virginia Office of the Inspector General, the Justice Department, the  
15 American Civil Liberties Union, the Richmond Times Dispatch newspaper, the Washington Post  
16 and the Associated Press, without authorization.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 10. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the  
20 Code on the grounds of unprofessional conduct in that Respondent copied and distributed  
21 multiple patient health records without authorization. The conduct is described in more  
22 particularity in paragraph 9 above, inclusive and hereby incorporated by reference.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of the Nursing Practice Act)**

25 11. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the  
26 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are  
27 described in more particularity in paragraphs 9 and 10 above, inclusive and hereby incorporated  
28 by reference.

**PRAYER**

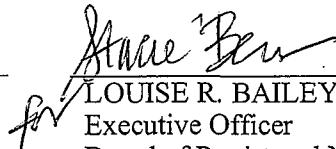
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 718481, issued to William David Diment;

2. Ordering William David Diment to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 14, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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